



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of : Willibald Kraus
For : BLOCKING OF RETURN AIR
Filed : April 20, 1994
Original Patent No. : 5,105,731
Granted : April 21, 1992
Gr. Art Unit : Unknown
Examiner : Unknown
Attorney Docket No. : TRW 2 136-4

REISSUE APPLICATION DECLARATION AND POWER OF ATTORNEY

Hon. Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Dear Sir:

As the below named inventor, I hereby declare that:

I verily believe that I am the first, original and sole inventor of the subject matter which is described and claimed in Letters Patent No. 5,105,731 granted on April 21, 1992 and in the foregoing specification and for which invention I solicit a reissue patent. The entire title to Patent No. 5,105,731 has vested in TRW United-Carr GmbH & Co., K.G. The assignment document is recorded on Reel 5621 at Frames 835-836.

I hereby state that I have reviewed and understand the contents of the above-identified reissue application including the additional claims therein.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with 37 C.F.R. 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior foreign Application No.: 4002052.5
Country: Federal Republic of Germany
Filed: January 24, 1990

STATEMENT OF INOPERATIVENESS OR INVALIDITY

I verily believe that my original Patent 5,105,731 dated April 21, 1992 to be partly inoperative or invalid because of error without any deceptive intent on the part of the applicant or the assignee.

The patent is partly inoperative or invalid by reason of claiming less than I had a right to claim in the patent. More particularly, the issued patent is partially inoperative or defective for failing to recite:

A check valve assembly adaptable for use with a ventilation system for a passenger space of a motor vehicle, the assembly comprising:

an outer housing having an open end and a surrounding wall;

an inner frame received in the open end;

a check valve element formed of flexible sheet material clamped between the outer housing and the inner frame; and,

first and second resilient clip connections joining the outer housing, the inner frame, the check valve element to a support of the motor vehicle, the first clip connection comprising a first springy tongue spaced from the surrounding wall, and the second clip connection comprising a second springy tongue integral with the surrounding wall.

Such an apparatus is recited in newly submitted independent claim 14.

Also submitted is dependent claim 15. Reissue claim 15 depends from claim 14 and recites the additional limitation "wherein the check valve element has a first side exposed to the passenger space and a second side exposed to the atmosphere, the first springy tongue being disposed in corresponding relation to the first side and the second springy tongue being disposed in corresponding relation to the second side."

The above mentioned errors of failing to include claims 14-15 rendering said patent wholly or partly inoperative or invalid arose from inadvertence, accident, or mistake and without any fraudulent or deceptive intention on the part of the applicant.

The issued patent is also partially inoperative or defective for failing to recite:

A check valve assembly adaptable for use with a ventilation system of a passenger space of a motor vehicle, the assembly comprising:

an outer housing having an open end;

an inner frame received in the open end;

a check valve element formed of flexible sheet material clamped between the outer housing and the inner frame; and,

a resilient clip connection formed separate from the outer housing and carried on a locking element which is connected with the outer housing, the clip connection securing the outer housing to the locking element and joining the inner frame, the outer housing and the check valve element to the motor vehicle.

This apparatus is recited in newly submitted independent claim 16.

The above-mentioned errors of failing to include claim 16 rendering said patent wholly or partly inoperative or invalid arose from inadvertence, accident, or mistake and without any fraudulent or deceptive intention on the part of the applicant.

These insufficiencies, i.e., failing to recite claims 14-16, came to the attention of the inventor and the assignee during the process of reviewing issued patents of the assignee. More specifically, during a competitive analysis conducted after issuance of the original patent, it was determined that the subject matter of claims 14-16 was disclosed yet not claimed. Accordingly, the process to file a reissue application was undertaken to correct the deficiencies.

A reason for the failure to claim the subject matter of claims 14-16 stems from the fact that the original patent is the U.S. version of German Application Serial No. 4002052, filed January 24, 1990. Since foreign countries, including Germany, have strict unity of invention requirements, the German priority case did not include claim coverage for all aspects of the

invention. The original patent, thus, reflects the German priority case.

Moreover, since I am principally German-speaking and reside in Germany, convenient communication to U.S. patent counsel of features of the invention, beyond that which was translated in the German priority case, was not practicable. Accordingly, all aspects of the invention were not claimed.

U.S. Patent No. 5,105,731 has not been and is not now being adjudicated in any court.

POWER OF ATTORNEY

I hereby appoint the following attorneys and/or agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

2 James W. McKee, Reg. No. 26,482
Daniel G. Blackhurst, Reg. No. 24,039

Address all telephone calls to: Daniel G. Blackhurst at telephone number (216) 861-5582.

Address all correspondence to:

FAY, SHARPE, BEALL, FAGAN, MINNICH & MCKEE
1100 Superior Avenue
Suite 700
Cleveland, OH 44114-2518

I hereby declare that all statements made hereof of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or

imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole inventor: Willibald Kraus *1-00*

Inventor's signature Willibald Kraus

Date: 18. SEPT. 1994

Residence: Gruenstadt, Germany *DEX*

Citizenship: German

Post Office Address: IndustriestraBe 6, D-6718
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Re Application of : Willibald Kraus
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OFFER TO SURRENDER AND ASSENT OF ASSIGNEE TO REISSUE

Hon. Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Dear Sir:

The undersigned applicant of the reissue application of Letters Patent for BLOCKING OF RETURN AIR, U.S. Patent No. 5,105,731, granted to him on April 21, 1992, of which TRW United-Carr GmbH & Co., K.G. is now sole owner by assignment and on whose behalf and with whose assent the accompanying application is made, hereby offers to surrender said letters patent enclosed herewith. The assignment document is recorded on Reel 5621 at Frames 835-836.

A request for an abstract of title was filed along with the reissue application on April 20, 1994.

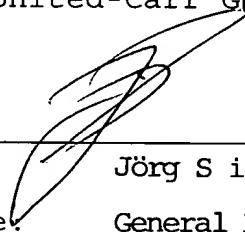
Applicant
Jörg Six

September, 19th, 1994
Date

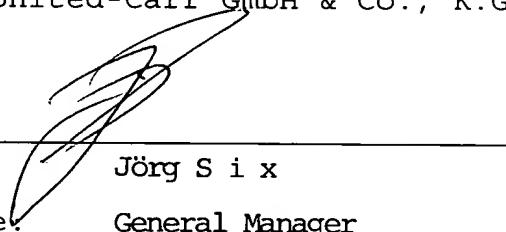
ASSENT OF ASSIGNEE TO REISSUE

The undersigned assignee of the entire interest in the above-mentioned letters patent hereby assents to the above-referenced reissue application.

TRW United-Carr GmbH & Co., K.G.

By: 

Jörg Six

Title: 

General Manager

Date: September 19th, 1994